

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**ZONIA GIL ROSA  
DEBTOR(S)**

CASE NO. 09-05813 SEK

CHAPTER 13

**MOTION TO OBJECT CLAIM NUMBER 2-1 FILED BY OCWEN LOAN  
SERVICING, LLC**

**TO THE HONORABLE COURT:**

**COMES NOW**, DEBTOR through the undersigned attorney and respectfully  
ALLEGES, STATES, AND PRAYS:

1. Ocwen Loan Servicing, LLC filed a proof of claim number 2-1 in the amount of \$33,212.54 out of which \$14,132.88 was claim as arrears.
2. Ocwen breaks down its claim as to property arrears in the following way:
  - (i) 11 monthly installments of \$228.51 from September 2008 to July 2009 = \$2,513.61.
  - (ii) late charges \$9.14
  - (iii) Escrow Advances \$964.82
  - (iv) Fees, Costs & Property Preservation Expenses \$10,665.55
  - (v) POC Fee \$150.00
3. Debtor objects to the claim as to the amount claimed in Fees, Costs & Property preservation expenses and specifically the following items:

(i) 10 property inspections for a total amount in inspections fees of \$260.50. Debtor states that to the best of her knowledge said property has not been inspected. We request that Creditor provide us with copies of the report made in each inspection, including the dates and copy of the invoices for the cost of each inspection.

(ii) 5 property valuations for a total cost of \$670.66. Debtor has no knowledge of any valuation made to her property. We request that Creditor provide Debtor copy of the 5 the valuations and the invoices for the cost of each of said valuations.

(v) 19 instances of bankruptcy costs and fees for a total of \$5,470.00. Creditor does not provide a detailed description of services rendered, number of hours worked and hourly rate. All of which are requirements of Bankruptcy Rule 2016, when a creditor seeks payment of attorney fees from the state. A review of the docket shows that at the time of the filing of the proof of claim the intervention of creditor in this case was limited to precisely the filing of said claim. We request that Creditor provide a detailed explanation of each item and in the case that this item refers to the work by an attorney regarding this case we request that they comply with Rule 2016 of the Bankruptcy Code.

(vi) 6 instances of foreclosure costs and fees for a total of \$2,735.00. We request that creditor provide us with evidence of said expenses including copy of invoices and documents.

- (v) 1 item of outstanding FC fees and costs of \$450.00. Debtor does not know to what FC fees and costs stands for. We request that creditor provide a detail explanation of this charge.
4. Out of the \$14,132.88 in arrears, Ocwen is claiming the amount of \$10,665.55 in pre-petition fee, costs & property preservation expenses and even when they include a breakdown of said amount, Ocwen fails to explain the nature of most of the items. The present case was filed on July 14 2009. Ocwen's proof of claim was filed on July 23 2009. At the moment of the filing of the claim Creditor's representative had not even filed the notice of appearance which was filed on August 25 2009. There is no evidence of any of the charges being collected in Ocwen's proof of claim. They fail to attach any document, note, contract that allows them to collect the amounts mentioned.
5. We request this Honorable Court to Order Creditor Ocwen to provide us with the evidence requested in this motion and that in case that Creditor fails to provide said evidence to disallow their claim from the total amount of arrears of \$14,132.88 to \$4,996.72.

**WHEREFORE,** it is respectfully requested from this Honorable Court that based on the above facts to Order Creditor Ocwen to provide us with the evidence requested in this motion and that in case that Creditor fails to provide said evidence to disallow their claim from the total amount of arrears of \$14,132.88 to \$4,996.72.

**NOTICE**

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U. S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the court may – in its discretion-schedule a hearing.

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF Filing System which will send a notification, upon information and belief, of such filing to the Chapter 13 Trustee, to Ocwen Loan Servicing LLC., to the US Trustee and to all subscribed users. We will serve by regular mail this document to any creditor as per master address list upon knowing that they are non CM/ECF participants.

**RESPECTFULLY SUBMITTED.**

In San Juan Puerto Rico, this 24<sup>th</sup> day of September 2009.

**/S/Victor C. Thomas Santiago**  
**Thomas & Magriñá Law Office**  
USDC PR 209807  
151 De Diego Avenue, Suite B  
San Juan, Puerto Rico 00911  
Tel. (787) 722-5601  
Fax (787) 724-6366  
e-mail: [vthomas@thomasmag.com](mailto:vthomas@thomasmag.com)

GIL ROSA, ZONIA M  
PO BOX 187  
TOA BAJA, PR 00951

PRALQ  
ACC 80080080708239000  
PO BOX 9023593  
SAN JUAN, PR 00902-3593

Victor Thomas Santiago  
151 De Diego Ave Suite B  
San Juan, PR 00911

T MOBILE USA  
PO BOX 660252  
DALLAS, TX 75266-0252

ASOCIATES FINANCE  
PO BOX 13665  
SAN JUAN, PR 00908-3665

BANCO POPULAR DE PUERTO RICO  
PO BOX 366818  
SAN JUAN, PR 00936-6818

CENTENIAL  
PO BOX 71514  
SAN JUAN, PR 00936

CINGULAR WIRELESS  
PO BOX 192830  
SAN JUAN, PR 00919-2830

CITIBANK  
PO BOX 71458  
SAN JUAN, PR 00936

ISLAND FINANCE  
PO B OX 195369  
SAN JUAN, PR 00919-5369

OCWEN FEDERAL BANK  
PO BOX 785063  
ORLANDO, FL 32878-5063

OCWEN LOAN SVGC  
ATTN BANKRUPTCY DEPARTMENT  
12650 INGENUITY DR  
ORLANDO, FL 32826